

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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COUNTER TERRORIST GROUP US, ET AL.

Plaintiffs,

-against-

MAXIM MAGAZINE, a/k/a MAXIM, ET AL.


Defendants.

-----X
DEBORAH A. BATTS, United States District Judge.

The Complaint in this action was file on November 5, 2007 but Plaintiffs have yet to complete service of process upon any of the Defendants named in this action. Plaintiffs filed an ex parte motion seeking to extend the time to serve the summons and complaint in this case for an additional ninety (90) days (Docket Entry No. 4). Plaintiffs' motion is DENIED. The Court hereby ORDERS that the Complaint in this matter be DISMISSED WITHOUT PREJUDICE for failure to prosecute. See Lyell Theatre Corp. v. Loews Corp., 682 F.2d 37, 42 (2d Cir. 1982) (holding that a district court's authority to dismiss an action for plaintiff's failure to prosecute "cannot seriously be doubted"). The Clerk of Court is directed to close the docket for this case.

SO ORDERED.

Dated: New York, New York
March 7, 2008


DEBORAH A. BATTS
United States District Judge

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07 Civ. 9827 (DAB)
ORDER